

HB1289



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB1289

by Rep. Robyn Gabel

SYNOPSIS AS INTRODUCED:

625 ILCS 5/11-1429

Amends the Illinois Vehicle Code. Makes a technical change in a Section regarding excessive idling.

LRB098 09571 MLW 39717 b

A BILL FOR

1 AN ACT concerning transportation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Vehicle Code is amended by changing
5 Section 11-1429 as follows:

6 (625 ILCS 5/11-1429)

7 Sec. 11-1429. Excessive idling.

8 (a) The purpose of this ~~this~~ law is to protect public
9 health and the environment by reducing emissions while
10 conserving fuel and maintaining adequate rest and safety of all
11 drivers of diesel vehicles.

12 (b) As used in this Section, "affected areas" means the
13 counties of Cook, DuPage, Lake, Kane, McHenry, Will, Madison,
14 St. Clair, and Monroe and the townships of Aux Sable and Goose
15 Lake in Grundy County and the township of Oswego in Kendall
16 County.

17 (c) A person that operates a motor vehicle operating on
18 diesel fuel in an affected area may not cause or allow the
19 motor vehicle, when it is not in motion, to idle for more than
20 a total of 10 minutes within any 60 minute period, except under
21 the following circumstances:

22 (1) the motor vehicle has a Gross Vehicle Weight Rating
23 of less than 8,000 pounds;

1 (2) the motor vehicle idles while forced to remain
2 motionless because of on-highway traffic, an official
3 traffic control device or signal, or at the direction of a
4 law enforcement official;

5 (3) the motor vehicle idles when operating defrosters,
6 heaters, air conditioners, or other equipment solely to
7 prevent a safety or health emergency;

8 (4) a police, fire, ambulance, public safety, other
9 emergency or law enforcement motor vehicle, or any motor
10 vehicle used in an emergency capacity, idles while in an
11 emergency or training mode and not for the convenience of
12 the vehicle operator;

13 (5) the primary propulsion engine idles for
14 maintenance, servicing, repairing, or diagnostic purposes
15 if idling is necessary for such activity;

16 (6) a motor vehicle idles as part of a government
17 inspection to verify that all equipment is in good working
18 order, provided idling is required as part of the
19 inspection;

20 (7) when idling of the motor vehicle is required to
21 operate auxiliary equipment to accomplish the intended use
22 of the vehicle (such as loading, unloading, mixing, or
23 processing cargo; controlling cargo temperature;
24 construction operations; lumbering operations; oil or gas
25 well servicing; or farming operations), provided that this
26 exemption does not apply when the vehicle is idling solely

1 for cabin comfort or to operate non-essential equipment
2 such as air conditioning, heating, microwave ovens, or
3 televisions;

4 (8) an armored motor vehicle idles when a person
5 remains inside the vehicle to guard the contents, or while
6 the vehicle is being loaded or unloaded;

7 (9) a bus idles a maximum of 15 minutes in any 60
8 minute period to maintain passenger comfort while
9 non-driver passengers are on board;

10 (10) if the motor vehicle has a sleeping berth, when
11 the operator is occupying the vehicle during a rest or
12 sleep period and idling of the vehicle is required to
13 operate air conditioning or heating;

14 (11) when the motor vehicle idles due to mechanical
15 difficulties over which the operator has no control;

16 (12) the motor vehicle is used as airport ground
17 support equipment, including, but not limited to, motor
18 vehicles operated on the air side of the airport terminal
19 to service or supply aircraft;

20 (13) the motor vehicle is (i) a bus owned by a public
21 transit authority and (ii) being operated on a designated
22 bus route or on a street or highway between designated bus
23 routes for the provision of public transportation;

24 (14) the motor vehicle is an implement of husbandry
25 exempt from registration under subdivision A(2) of Section
26 3-402 of this Code;

1 (15) the motor vehicle is owned by an electric utility
2 and is operated for electricity generation or hydraulic
3 pressure to power equipment necessary in the restoration,
4 repair, modification or installation of electric utility
5 service; or

6 (16) the outdoor temperature is less than 32 degrees
7 Fahrenheit or greater than 80 degrees Fahrenheit.

8 (d) When the outdoor temperature is 32 degrees Fahrenheit
9 or higher and 80 degrees Fahrenheit or lower, a person who
10 operates a motor vehicle operating on diesel fuel in an
11 affected area may not cause or allow the motor vehicle to idle
12 for a period greater than 30 minutes in any 60 minute period
13 while waiting to weigh, load, or unload cargo or freight,
14 unless the vehicle is in a line of vehicles that regularly and
15 periodically moves forward.

16 (e) This Section does not prohibit the operation of an
17 auxiliary power unit or generator set as an alternative to
18 idling the main engine of a motor vehicle operating on diesel
19 fuel.

20 (f) This Section does not apply to the owner of a motor
21 vehicle rented or leased to another entity or person operating
22 the vehicle.

23 (g) Any person convicted of any violation of this Section
24 is guilty of a petty offense and shall be fined \$90 for the
25 first conviction and \$500 for a second or subsequent conviction
26 within any 12 month period.

1 (h) Fines; distribution. All fines and all penalties
2 collected under this Section shall be deposited in the State
3 Treasury and shall be distributed as follows: (i) \$50 for the
4 first conviction and \$150 for a second or subsequent conviction
5 within any 12 month period under this Section shall be
6 deposited into the State's General Revenue Fund; (ii) \$20 for
7 the first conviction and \$262.50 for a second or subsequent
8 conviction within any 12 month period under this Section shall
9 be distributed to the law enforcement agency that issued the
10 citation; and (iii) \$20 for the first conviction and \$87.50 for
11 a second or subsequent conviction within any 12 month period
12 under this Section shall be deposited into the Trucking
13 Environmental and Education Fund.

14 (i) The Trucking Environmental and Education Fund is
15 created as a special fund in the State Treasury. All money
16 deposited into the Trucking Environmental and Education Fund
17 shall be paid, subject to appropriation by the General
18 Assembly, to the Illinois Environmental Protection Agency for
19 the purpose of educating the trucking industry on air pollution
20 and preventative measures specifically related to idling. Any
21 interest earned on deposits into the Fund shall remain in the
22 Fund and be used for the purposes set forth in this subsection.
23 Notwithstanding any other law to the contrary, the Fund is not
24 subject to administrative charges or charge-backs that would in
25 any way transfer moneys from the Fund into any other fund of
26 the State.

1 (Source: P.A. 96-576, eff. 8-18-09.)